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DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-202422

DATE: March 30, 1981

MATTER OF: Continental Engineering, Inc. DL606379

DIGEST:

Protest alleging that agency failed to observe disclosed selection criteria is untimely under 4 C.F.R. § 20.2(b)(2) (1980) when filed more than 10 working days after basis of protest was or should have been known.

Continental Engineering, Inc. (CEI), protests the award of a contract for certain architectural and engineering services by the Army Corps of Engineers on the grounds that the Army failed to observe the disclosed selection criteria.

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CEI states that after learning on January 2, 1981, that it was not selected for award, it met with the District Engineer, Memphis District, on January 12, 1981; on February 10, 1981, CEI met with another Army representative to discuss the reasons that CEI was not selected. On March 9, 1981, CEI filed its protest with our Office.

Our Bid Protest Procedures, 4 C.F.R. § 20.2(b)(2) (1980), require that a protest be received by either the contracting agency or our Office within 10 days after the basis for protest was known or should have been known, whichever is earlier. Here, CEI knew or should have known its basis of protest no later than February 10, 1981. Consequently, CEI was required to file its protest within 10 working days of that date. Since CEI's protest was not received here until March 9, 1981, it is untimely and will not be considered. U.S. Eagle, Inc., B-200150, September 10, 1980, 80-2 CPD 189.

[Protest INVOLVING
SELECTION CRITERIA]

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Accordingly, the protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel